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DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION

Docket No. 33:jaw:4002-
1661/doc11908

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention METHODS AND INSTRUMENTS FOR INTERBODY FUSION, the specification of which

(check one) ☐ is attached hereto.
☒ was filed on January 28, 1998 as Application
Serial No. 09/014,901
and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	_____ Yes	_____ No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	_____ Yes	_____ No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	_____ Yes	_____ No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56

which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>08/604,874</u>	<u>2/22/96</u>	<u>Abandoned</u>
(Application Serial No.)	(Filing Date)	(Status - patent/pending/abandoned)

<u>08/411,017</u>	<u>3/27/95</u>	<u>Pending</u>
(Application Serial No.)	(Filing Date)	(Status - patent/pending/abandoned)

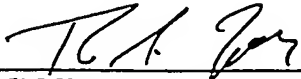
I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Harold R. Woodard, No. 16,214; C. David Emhardt, No. 18, 483; Joseph A. Naughton, Jr., No. 19, 814; John V. Moriarty, No. 26,207; John C. McNett, No. 25,533; Thomas Q. Henry, No. 28,309; James M. Durlacher, No. 28,840; Charles R. Reeves, No. 28,750; Vincent O. Wagner, No. 29,596; Steve Zlatos, No. 30,123; Spiro Bereveskos, No. 30,821; William F. Bahret, No. 31,087; Clifford W. Browning, No. 32,201; R. Randall Frisk, No. 32,221; Daniel J. Lueders, No. 32,581; Kenneth A. Gandy, No. 33,386; Timothy N. Thomas, No. 35,714; Kerry P. Sisselman, No. 37,237; Kurt N. Jones, 37,996; John H. Allie, No. 39,088; Holiday W. Banta, No. 40,311; Troy J. Cole, No. 35,102; L. Scott Paynter, No. 39,797; J. Andrew Lowes, No. 40,706; Charles J. Meyer, No. P41,996; Darrin Wesley Harris, No. 40,636; Matthew R. Schantz, No. 40,800; Gregory B. Coy, No. 40,967; Lisa A. Hiday, No. 40,036; John V. Daniluck, No. 40,581; Christopher A. Brown, No. P41,642; and Arthur J. Usher, IV, No. 41,359.

Address all telephone calls to:	J. Andrew Lowes at (317) 634-3456
Address all correspondence to:	J. Andrew Lowes, Esquire Woodard, Emhardt, Naughton, Moriarty & McNett Bank One Center/Tower 111 Monument Circle, Suite 3700 Indianapolis, Indiana 46204-5137

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: **Thomas Zdeblick**

Inventor's

Signature: 

Date of Signature: 6/1/98

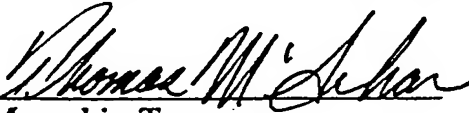
Residence: **Middleton, Wisconsin**

Citizenship: **U.S.A.**

Post Office Address: **4517 Fox Bluff Lane, Middleton, WI 53562**

Full name of second inventor: **Thomas McGahan**

Inventor's

Signature: 

Date of Signature: 6/1/98

Residence: **Memphis, Tennessee**

Citizenship: **U.S.A.**

Post Office Address: **4904 Harvest Fields Circle, Memphis, TN 38125**



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
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SEPTEMBER 17, 1998

PTAS
WOODARD, EMHARDT, NAUGHTON ET AL
J. ANDREW LOWES
BANK ONE CENTER/TOWER
111 MONUMENT CIRCLE, SUITE 3700
INDIANAPOLIS, IN 46204-5137



100761218A

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RECORDATION DATE: 06/29/1998

REEL/FRAME: 9291/0893
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
ZDEBLICK, THOMAS

DOC DATE: 06/01/1998

ASSIGNOR:
MCGAHAN, THOMAS

DOC DATE: 06/01/1998

ASSIGNEE:
SDGI HOLDINGS, INC.
1800 PYRAMID PLACE
MEMPHIS, TENNESSEE 38132

SERIAL NUMBER: 09014901
PATENT NUMBER:

FILING DATE: 01/28/1998
ISSUE DATE:

PEARLENE FOSTER, EXAMINER
ASSIGNMENT DIVISION
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07-13-1998

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Correspondent Name and Address Area Code and Telephone Number **317-634-3456**

Name **J. Andrew Lowes**

Address (line 1) **Woodard, Emhardt, Naughton, Moriarty & McNett**

Address (line 2) **Bank One Center/Tower**

Address (line 3) **111 Monument Circle, Suite 3700**

Address (line 4) **Indianapolis, IN 46204-5137**

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Enter either the Patent Application Number or the Patent Number (DO NOT ENTER BOTH numbers for the same property).

Patent Application Number(s)

Patent Number(s)

09/014,901						

If this document is being filed together with a new Patent Application, enter the date the patent application was signed by the first named executing inventor. Month Day Year

Patent Cooperation Treaty (PCT)
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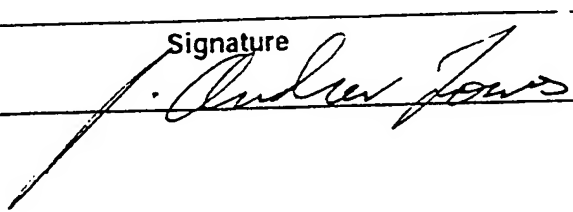
Statement and Signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.

Name of Person Signing

J. Andrew Lowes

Signature



Date

June 19, 1998

ASSIGNMENT

WHEREAS, Thomas Zdeblick and Thomas McGahan of 4517 Fox Bluff Lane, Middleton, Wisconsin 53562, and 4904 Harvest Fields Circle, Memphis, Tennessee 38126, respectively, hereinafter referred to as Assignors, have made a new and useful invention in METHODS AND INSTRUMENTS FOR INTERBODY FUSION for which Assignors have made application for Letters Patent of the United States, filed January 28, 1998, Serial No. 09/014,901; and

WHEREAS, SDGI Holdings, Inc., hereinafter referred to as Assignee, a corporation of the State of Delaware having a principal place of business at 1800 Pyramid Place, Memphis, Tennessee, desires to acquire all of the entire right, title, and interest in, to and under said invention disclosed, described and claimed or intended so to be in said application, and in, to and under said application, and in, to and under any and all Letters Patent, United States and foreign, which may be obtained therefor and thereon;


NOW, THEREFORE, to all whom it may concern, be it known that for and in consideration of the sum of One Dollar (\$1.00) and other good, valuable and sufficient considerations to Assignors in hand paid, the receipt of which is hereby acknowledged, Assignors have sold, assigned and transferred, and by these presents do sell, assign and transfer unto Assignee, all of the entire right, title, and interest in, to and under said invention disclosed, described and claimed or intended so to be in said application, and in, to and under said application for United States Letters, and any and all other applications thereon and arising therefrom, including any and all divisions and continuations thereof, and any and all patents to be issued and obtained therefor and thereon, United States and foreign, including all reissues and extensions thereof.

Assignors hereby authorize and request the Honorable Assistant Secretary and Commissioner of Patents and Trademarks to issue said Letters Patent to Assignee, its assigns and legal representatives.

Assignors agree to assign and execute any and all other papers necessary or desirable for the procurement of Letters Patent on said invention in this and all foreign countries for the use of Assignee.

WITNESS Assignors' hands this 1st day of June, 1998.


Thomas Zdeblick


Thomas McGahan

DNK-1997-086-PA:11946

